

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

SHAWN BRADEN,	§	
Petitioner,	§	
	§	
v.	§	No. 3:19-cv-02976-K (BT)
	§	
DIRECTOR, TDCJ-CID,	§	
Respondent.	§	

**ORDER ACCEPTING FINDINGS AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

The Court has taken under consideration the Findings, Conclusions, and Recommendation of United States Magistrate Judge Rebecca Rutherford dated June 7, 2022. The Court has made a *de novo* review of those portions of the Findings, Conclusions, and Recommendation to which objections were made. **IT IS, THEREFORE, ORDERED** that the Findings, Conclusions, and Recommendation of the United States Magistrate Judge are accepted. Moreover, considering the record in this case and pursuant to [Federal Rule of Appellate Procedure 22\(b\)](#), [Rule 11\(a\)](#) of the Rules Governing Section 2254 Proceedings in the United States District Court, and [28 U.S.C. § 2253\(c\)](#), the Court **DENIES** a certificate of appealability. The Court adopts and incorporates by reference the Magistrate Judge's Findings, Conclusions and Recommendation filed in this case in support of its finding that Petitioner has failed to show reasonable jurists would find (1) this Court's "assessment of the constitutional claims debatable or wrong," or (2) "it debatable whether the petition states a valid

claim of the denial of a constitutional right” and “debatable whether [this Court] was correct in its procedural ruling.” *Slack v. McDaniel*, 529 U.S. 473, 484 (2000).

Petitioner paid the filing fee before this Court. If he files a notice of appeal, he must pay the \$505.00 appellate filing fee or submit a motion to proceed *in forma pauperis*.

SO ORDERED.

Signed June 22nd, 2022.

A handwritten signature in black ink, reading "Ed Kinkeade", written over a horizontal line.

ED KINKEADE
UNITED STATES DISTRICT JUDGE